

# COUNTY OF YORK

## MEMORANDUM

**DATE:** July 5, 2006 (BOS Mtg. 7/18/06)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator



**SUBJECT:** Stormwater Management Ordinance

This draft ordinance was developed in response to two state requirements. The first requirement is mandated in the county's VPDES General Permit for Stormwater Discharges. One of the permit conditions requires the county to "develop, implement and enforce a program to detect and eliminate illicit discharges..." Illicit discharges are defined as any discharge to the storm sewer system that is not composed entirely of stormwater. The definition then goes on to exempt many non-stormwater discharges such as: lawn watering; public safety activities; air conditioning condensation; car washing; etc., that should not cause any harmful effects. The Hampton Roads Planning District Commission (HRPDC) developed a model illicit discharge ordinance for York County and the other local municipalities covered by the General Permit for use in meeting this requirement.

The HRPDC model illicit discharge ordinance was used extensively in developing the draft stormwater management ordinance. However, rather than have two separate ordinances, one for illicit discharge and a separate one for general stormwater, it was decided to combine the two into one stormwater management ordinance.

The second state requirement is a bit more complex. Section 10.1-603.3 of House Bill 1177, approved April 8, 2004, requires the county to "adopt a local stormwater management program for land disturbing activities consistent with the provisions of this article by July 1, 2006." It also required the Department of Conservation and Recreation (DCR) to "develop a model ordinance for establishing a local stormwater management program consistent with this article." To make a long story short, DCR has not yet developed the model and in response the legislature passed two more bills (House Bill 684, approved February 23, 2006 and Senate Bill 274, approved March 23, 2006). These bills extend the deadline for implementing a stormwater management ordinance, but also add additional requirements.

In preparation for the stormwater management program that we will eventually have to implement, the draft ordinance pulls the requirements we currently have concerning stormwater management for site plans and subdivision plans from Chapter 24.1, Zoning and Chapter 20.5, Subdivisions along with the stormwater requirements from Chapter 10, Erosion and Sediment Control and consolidates them into one chapter. As such, the vast majority of the stormwater management ordinance is not new. It simply reorganizes existing requirements found in three separate chapters of the York County Code, and presents them more consistently.

There are a few items in this draft, which are not either concerned with illicit discharge or currently covered, in another county ordinance. These new items are:

- In section 11(b), the draft ordinance requires the use of the twenty-four hour extended-detention of the runoff of the one-year frequency storm rather than the use of the two-year storm for water quantity calculations. This became county policy nearly a year ago. This practice has been recommended by DCR for some time now as a way to lessen the impacts from flooding and erosion to downstream properties from development. It appears that House Bill 684 may mandate this procedure in the near future; however, we are awaiting some interpretation from DCR on this matter.
- Section 12(d) requires a professional engineer to seal the stormwater management plans. This is more restrictive than the state and more restrictive than the county's current requirements for site plans and subdivision plans, which allow licensed surveyors, engineers, architects, etc., to seal the plans. Most design firms have made it a practice of utilizing a professional engineer to design the stormwater system. The requirement for an engineered system is based upon the ever increasing complexity of the design and perhaps more importantly because the ramifications of an improperly designed system have become quite serious.
- Section 12(g)(8) imposes some minimums to be used for the expected impervious area for future site development in subdivisions. These minimums were taken from the *Virginia Erosion and Sediment Control Handbook*. Without such controls, we have found that developer's estimates of future impervious cover are often too low resulting in homeowners having to install individual BMPs because the BMPs for the development were undersized.
- Section 12(g)(12)d prevents the installation of private stormwater pumping systems in the county. The rationale against private pumped systems being that improper maintenance or lack of redundant pumps and backup power systems could lead to serious flooding in the event of a pump or power failure.
- Section 12(g)(12)g requires that sheet flow be directed to a stormwater system. This goes a step further than preventing only channeled flow from being discharged onto an adjacent property without being directed to a stormwater system.
- Section 15 requires existing property owners (Note: this along with illicit discharge are the only parts of this ordinance that are applicable outside the subdivision/site plan/LDA processes) considering filling, piping or modifying an existing ditch or stormwater system to have a licensed engineer verify that the modifications will not reduce the capacity of the system. This section only applies if the stormwater system carries offsite drainage; therefore, any drainage way on a property that serves only the property would be exempt. The purpose of this section is to prevent the problems that have occurred when property owners have filled in or improperly piped ditches on their property that carry offsite drainage.
- Section 16 codifies the current policies concerning the timing of as-built drawings and identifies the requirements for as-builts.

Woodward/3241:mw

Attachment:

- Proposed Ordinance 06-17